

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WASHINGTON COUNTY FAMILY
ENTERTAINMENT, LLC,

Plaintiff,

v.

WILLIAM LEONARD ROBERTS II
p/k/a RICK ROSS; ALL AXXESS
ENTERTAINMENT, LLC; ANTHONY
MILLER; GOODLIFE
ENTERTAINMENT, LLC; and JOHN
WARDLOW, JR.,

Defendants.

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) No. 2:17-cv-892
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) Magistrate Judge Lisa Pupo Lenihan
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MEMORANDUM ORDER

On July 5, 2017, Plaintiff commenced the above action against Defendants predicated subject matter jurisdiction on diversity of citizenship, 28 U.S.C. §1332. Plaintiff, as well as two of the Defendants, are alleged to be limited liability companies ("LLC"). "[T]he citizenship of an LLC is determined by the citizenship of its members." *Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010); *Lincoln Ben. Life Co. v. AEI Life, LLC*, 800 F.3d 99, 105 (3d Cir. 2015) (citing *Zambelli*, 592 F.3d at 420; *Johnson v. SmithKline Beecham Corp.* 724 F.3d 337, 348 (3d Cir. 2013)). In addition, where one of the members of the LLC named in the complaint is also an LLC, the citizenship of that LLC's members must also be traced to determine the citizenship of the LLC named in the complaint. *Id.* at 420. (citation omitted). Thus, "[f]or complete

diversity to exist, all of the LLC's members 'must be diverse from all parties on the opposing side.'" *Lincoln Ben. Life Co.*, 800 F.3d at 105 (quoting *Swiger v. Allegheny Energy, Inc.*, 540 F.3d 179, 185 (3d Cir. 2008)).

Plaintiff's Complaint fails to allege the citizenship of its members, as well as the members of Defendants All Axxess Entertainment, LLC and Goodlife Entertainment, LLC. Rather, Plaintiff has only alleged the state of formation and state where the principal place of business is located for these parties. Without factual allegations setting forth the citizenship of each member of the LLCs, the Complaint fails to establish the Court's subject matter jurisdiction over this action.

AND NOW, this 7th day of July, 2017, IT IS HEREBY ORDERED that Plaintiff shall, within fourteen (14) days of this Order, file an amended complaint that sets forth sufficient factual allegations to establish diversity of citizenship among the parties or, if diversity is lacking, a notice of voluntary dismissal. Failure to comply with this Order may result in dismissal of the action without further notice.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of issuance of this Order to file an appeal to the District Judge, which includes the basis for objection to this Order. Any party opposing the appeal shall have fourteen (14) days from the date of service of the notice of appeal to respond thereto. Failure to file a timely notice of appeal will constitute a waiver of any appellate rights.

BY THE COURT:

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
United States Magistrate Judge

cc: All Counsel of Record
Via Electronic Mail